IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.8 OF 2005

Myrtle Monica Lewis. .. .. Petitioner
v/s.
The Secretary, School Education Department & ors. .. .. Respondents

Mr.Shaikh Nasir Masiah for petitioner.

Ms.S. Shreedharan, AGP for res.Nos.1 & 2.

Mr.Suresh Gole for res.Nos.3 & 4.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 11TH MARCH 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. The petitioner, who is a teacher working in a school run by respondent No.4-Trust, is seeking to challenge the order of suspension dated 22nd November 2004 passed by the School Management. Mr.Shaikh appearing for the petitioner submits that there is no justification for issuing this suspension order and that apart the suspension order is issued in the name of the school whereas the school is run by respondent

No.4-Trust.

3. Mr.Gole appearing for respondent Nos.3 and 4 has drawn our attention to the allegations against the petitioner which have led to the order of suspension. We do not propose to go into these allegations. We are informed that a Committee of three persons has been appointed to look into the complaint and the charges which are served on the petitioner. That is as per the rules.'

4. This being the position, in our view, the appropriate remedy for the petitioner will be to appear before the Committee. Mr.Shaikh states that the petitioner will co-operate with the enquiring Committee to decide on the charges. The Committee will arrive at its decision at the earliest.

5. Mr.Shaikh appearing for the petitioner points out that the salary of the petitioner has not been paid prior to the date of suspension. This is a period of roughly five months. He has drawn our attention to the passbook of the petitioner which shows that her salary in the month of May 2004 was Rs.14,957/-. The salary

for these five months will come to Rs.73,785/-.

6. Mr.Gole, on the instructions of the contesting respondents, states that the salary could not be paid because the petitioner was reluctant to receive the same, but in any case, he states that within two weeks hereafter the amount will be paid to the petitioner. The petitioner is also entitled to receive her subsistence allowances during the pendency of the enquiry which should be in accordance with the rules. No need to interfere. The petition is dismissed.

7. We record a statement of Mr.Shaikh that the petitioner will receive the amount without prejudice.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)